

## Art Donation Policy Procedure

- ❑ Donating Artist picks up Art Donation packet at the MCC Milpitas Community Center -- includes Art Donation Application and Art Donation Policy and Procedures
- ❑ When Application is completed, artist will return Application and staff will review only to ensure the Application is filled out completely and signed-
- ❑ The donation application will be agendized for an ~~Arts Commission~~ Public Art Committee meeting where the ~~Commission Committee~~ will review the application and proposed donated artwork (through presentation of model or actual artwork)
- ❑ The ~~Arts Commission~~ Public Art Committee will either recommend to City Council to ~~either~~ approve or deny the donated art
- ❑ Art Donation to go to City Council for review
- ❑ Should Artwork be approved by Council, the City and the Artist will enter into a written agreement for the donated artwork

# City of Milpitas ~~Arts Commission~~ Art Donation Application



*Please submit applications to:*

*Milpitas Community Center*

*~~Arts Commission~~ Attn: Public Art Committee*

*457 E. Calaveras Blvd.*

*Milpitas, CA 95035*

For Questions please call 408-586-3210

## **I. Donor**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: (    ) \_\_\_\_\_ Email: \_\_\_\_\_

Resume: *Please attach Resume to application, no staples.*

## **II. Art Work**

Description of Art Work (include dimensions, mounting, placement requirements):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated Value of Art Work: \$ \_\_\_\_\_

Describe necessary care and maintenance of proposed Art Work:

\_\_\_\_\_  
\_\_\_\_\_

*I \_\_\_\_\_ have reviewed the City of Milpitas' Policy and Procedure for the Acceptance of Donated Artworks. ~~Art Donation Policies and Procedures.~~*

Supplemental Information Attached, per the Policy and Procedure for the Acceptance of Donated Artworks

Donor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## City of Milpitas

### Policy and Procedure for the Acceptance of Donated Artworks

- I. Statement of Purpose: The purpose of this policy is to set forth standardized policies and procedures for the acceptance of donated artworks offered to the City ~~by the artist. This policy and procedure shall not apply to gifts of artworks to the City by persons other than the artist.~~
- II. Statement of Policy: It is the policy of the City of Milpitas to accept donations of artwork displaying high aesthetic and technical competence to add to its collection.
- III. Review and Acceptance Procedure
  - a. Any ~~artist-person(s)~~ wishing to donate ~~an~~ artwork to the City of Milpitas must submit an Art Donation Application to the Milpitas Community Center, City Manager's office in the form attached hereto. The application shall be accompanied by the following information:
    - i. Photo, plans, model, or maquette of proposed donation
    - ii. Technical description of the work
    - iii. Any special care, maintenance, mounting, or display requirements
    - iv. Resume or curriculum vitae of the artist
    - v. Statement of value of the proposed donation
  - b. City staff shall review the application and supporting documentation for the proposed donation. Upon finding that the application is complete, City staff shall place the application on the agenda of the ~~Arts Commission~~Public Art Committee for consideration.
  - c. The ~~Arts Commission~~Public Art Committee shall review the application for donation and shall make a recommendation to the City Council for acceptance or rejection of the donation. In considering the acceptance or rejection of donated artwork, the ~~Arts Commission~~Public Art Committee shall consider the following areas:
    - i. Style and nature of the artwork
    - ii. Professional and technical competence with which the artwork was executed.
    - iii. Overall quality and excellence of the artwork

- iv. Overall appropriateness of the artwork in the context of the City's ~~existing-exists~~ collection and available display locations-
  - v. Installation and ongoing maintenance costs
  - vi. Durability of artwork
  - vii. Public safety concerns, if any
- d. The recommendation of the ~~Arts Commission~~Public Art Committee shall be presented to the City Council at a regular meeting of the City Council. The City Council shall review the recommendation of the ~~Arts Commission~~Public Art Committee and may, thereafter, accept or reject the donation. If the City Council votes to accept the donated artwork, the artist or the person(s) donating the artwork shall enter into a donation agreement ~~substantially in the form attached hereto~~. Upon execution of the donation agreement by the artist or the person(s) donating the artwork, title to the artwork shall pass to the City of Milpitas.
- e. Acceptance of a donated artwork shall not obligate the City under any circumstances to display the artwork in any public facility or on any public property.
- f. The City, in its sole discretion, may remove from its collection any donated artwork. In such event, the City shall comply with California Civil Code section 987, as amended, and shall make reasonable efforts to contact the artist or person(s) who donated the artwork and offer to return the artwork. If the artist or person(s) cannot be located after reasonable efforts, or the artist or persons(s) declines to accept the return of the artwork, the City may determine the disposition of the artwork.

## **XI. New Business**

### **1. Review Proposed Updates to the City of Milpitas Art Donation Policy – Kathleen Yurchak**

Supervisor Yurchak referred the Committee to their agenda packet for the Art Donation Policy. This Policy was created a few years ago, under the Arts Commission. The current draft has the changes suggested by the Master Plan Subcommittee. The major changes tailor the Policy to the PAC. Committee Member Voellger asked if this policy would allow the Committee to deny donations. Supervisor Yurchak stated that yes, the donation and the donor's stipulations about where the art should be, etc., may not fall in line with the Master Plan or may not work with the Public Art Committee's goals. Chairperson Foulk said that the Committee can always reject a donation with recommendation to City Council.

**MOTION** to approve the draft Art Donation Policy.

M/S: Moss/Hays

Ayes: All

### **2. Review the Proposed Locations for Public Art for the Public Art Master Plan – Kathleen Yurchak**

Supervisor Yurchak stated that the proposed list of locations for Public Art in Milpitas stems from a meeting with the Engineering and Parks Departments staff. In researching possible locations, it was asked whether because monies allocated to public art come from Redevelopment Agency (RDA) funds, can public art only be placed on the RDA areas. Staff is currently waiting for clarification from the Finance Director, Emma Karlen. The list consists of City properties and eligible RDA project sites. The PAC Master Plan Subcommittee reviewed this list and recommended the following sites for their 1-3 year plan.

1. Outer entry of Library
2. Screens/Panels of inside the Library
3. Pinewood Park
4. Directional Signage throughout the City

Committee Member Voellger asked if the new senior housing project and Terrace Gardens retirement community were potential locations. Committee Member Moss answered that she believed that the land Terrace Gardens is built on is City property. Supervisor Yurchak stated that she would have to check on what is City and what is Terrace Gardens.

Chairperson Foulk said that he would like to see a bronze statue of the Minute Man in front of City Hall and wanted to know why this project wasn't listed. Committee Member Voellger answered that the subcommittee picked Pinewood Park as the next project after the Library because it would be a smaller project after the larger Library project. There are neighbors of the Pinewood Park already interested and willing to assist in the project as well. He went on to say that the Committee does not yet know the costs of projects or how much the Library Project will cost and may have to do a smaller project with a smaller budget.

Supervisor Yurchak referred the Committee to the Funding 2006-07 chart and explained that the projects listed and their Project budget is what the 1.5% will be applied to, but reminded the Committee that the 1.5% formula is applied to monies spent, not the actual project budget. Their balance for the 2006-07 cycle will be accurately reflected by January of 2007. Chairperson Foulk stated that the Committee should wait until January 2007 to see what their budget is and then decide on their project list. He went on to say that to have the Minute Man